



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

ARCHIE M. JACKSON,

Plaintiff,

vs.

JO ANNE BARNHARDT,

Defendant.

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CIVIL ACTION NO. 4:04-22209-HFF-TER

ORDER

This is an action seeking review of a decision of the Commissioner of Social Security (Defendant) denying benefits to Plaintiff. The matter is before the Court for review of the report and recommendation (Report) of the United States Magistrate Judge in which he recommends that the action be dismissed for failure to prosecute and failure to comply with Court orders. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or may recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed his Report on November 18, 2005, and Plaintiff failed to file any objections to the Report. In the absence of such objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir.1985).

After a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that this action be, and hereby is, **DISMISSED** pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

Signed this 9th day of December, 2005, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE